2.0 PROJECT BACKGROUND AND HISTORY

Section 3.0 of EIR 564 provides a comprehensive history of the County's efforts regarding jail planning in general and specific planning efforts relating to the JAMF. That section remains factual and true in its context. This section provides an update of the relevant background, EIR background, and updated jail needs data.

2.1 RELEVANT HISTORY OF THE JAMES A. MUSICK FACILITY MASTER PLAN

2.1.1 EIR 447

In November 1986, the County of Orange adopted the first JAMF Master Plan and certified accompanying EIR No. 447. The 1986 Master Plan included expansion of the JAMF to house 1,535 inmates by 2000. The EIR noted unavoidable adverse impacts in the areas of:

- Natural Resources and Land Use: Loss of 65 ac of prime agricultural land
- Noise: Overflight noise exposure from Marine Corps Air Station (MCAS) El Toro flight operations
- Air Quality: Cumulative contribution to degradation of air quality
- Public Services and Utilities: Cumulative increase in the need for public services in the area
- Energy: Cumulative increase in the need for energy in the project area
- Aesthetics: Permanent visual alteration

The unavoidable adverse impacts were acknowledged and overridden by findings made by the Orange County Board of Supervisors as allowed under Section 15093 of the State CEQA Guidelines. In 1987, the County selected Gypsum Canyon as the site to meet the County's long-term jail needs, and the 1986 Master Plan was not implemented even though it had been approved.

2.1.2 EIR 564

In 1991, the County abandoned the Gypsum Canyon site and re-evaluated the JAMF site to meet the jail capacity needs of the County. In 1996, the FEIR for the expansion of the JAMF (FEIR 564) was completed and certified. It addressed 28 project alternatives, including alternative sites and design concepts. The key issues addressed in FEIR 564 were land use, biological resources, transportation, visual impacts, agricultural lands, air quality, and public services.

On November 5, 1996, the Orange County Board of Supervisors approved the expansion of the JAMF. The 1996 Master Site Plan allowed the expansion of the facility from approximately 1,200 beds to 7,584 beds for a full range of inmate classifications (i.e., minimum-, medium-, and maximum-

security inmates). The approved site plan is composed of a series of building complexes. The jail facilities included three major housing complexes and a support services complex. Under the approved project, these buildings would be no more than four stories high, or approximately 45 feet (ft) above ground. Ancillary facilities included a warehouse, central plant, food service facility, laundry, and staff and visitor parking structures. Additionally, construction of a Southeast Sheriff's Substation and the ICF was assumed as part of the project. The 1996 Master Site Plan also assumed the construction of Alton Parkway along the alignment approved in 1991.

2.1.3 EIR 564 Legal History

Shortly after the approval of the 1996 Master Site Plan and certification of FEIR 564, the FEIR was legally challenged by the Cities of Irvine and Lake Forest. The FEIR certification was overturned in the trial court. In 2000, the trial court decision was reversed on appeal. In 2001, the State Supreme Court declined to consider hearing the case. Therefore, FEIR 564 remains intact and valid as approved by the Court of Appeal. Several key findings of the Court of Appeal are summarized below. The full decision is included as Appendix A.

- Reliance on Previous EIR 447 for the 1986 Master Plan. Some of the information and findings in EIR 447 are cited and relied upon in EIR 564 and carried forward as part of the environmental analysis. This was found to be an adequate approach under the circumstances, and the Court of Appeal held that the findings from EIR 447 were relevant, valid, and reliable in the discussion of the 1996 Master Plan.
- Agricultural Land. EIR 564 relied on the previous findings in EIR 447 regarding the total loss of 65 ac of prime agricultural land on the site. The agricultural impacts discussion in relation to EIR 447 was found to be valid and adequate for the impacts disclosed in EIR 564 because it involved the same parcel of land. Specifically, the Court of Appeal held that the Board's Overriding Considerations regarding the impact of total loss of 65 ac of prime agricultural lands were not required to be revisited even though the project description had changed.
- **Public Services and Facilities.** EIR 564 was not required to identify mitigation for economic and social impacts associated with the operation of the jail because they are not considered to have an effect on the environment unless they result in a physical change to the environment. Additional police staffing was not considered a physical change to the environment.
- **Cumulative Impacts.** EIR 564 analyzed the project's cumulative impacts in each chapter as each type of impact was disclosed, which provided cumulative impact analysis throughout the EIR. The separate cumulative impacts chapter was a brief summary of the prior discussions. The Court of Appeal found this to be permissible under CEQA.
- **Project Alternatives.** EIR 564 appropriately and adequately disclosed a comprehensive alternatives analysis and summarized the effort and sites.

Recirculated Sections of EIR 564 for the 1996 Master Site Plan. In 1998, the Recirculated Sections of EIR 564 included updated data for agricultural impacts, air quality and cumulative impacts as ordered by the trial court decision. However, on appeal the decision of the trial court was overturned and challenges were dismissed in 2000. The legal challenge by the cities to the 1998

CEQA documentation was dismissed by the cities, and the statute of limitations to challenge those documents has elapsed.

2.1.4 Assembly Bill 900 State Funding Phase I

In 2007, Governor Arnold Schwarzenegger signed AB 900 to create a funding program based on collaborative opportunities for the State and counties/cities to add capacity to and improve local and state detention facilities, including reentry facilities. The AB 900 funding was offered under a Request for Proposals (RFP) financing process. The County applied for funds totaling \$100 million for construction of the JAMF expansion under certain conditions regarding the accommodation of the State's desired colocation of a reentry facility. The Board of Supervisors authorized the transmittal of the application on March 11, 2008. Orange County's application, which was conditioned upon State approval of a location for a reentry facility, was successful, and the County was identified to receive up to \$100 million of future funding. However, subsequent changes in the interpretation of the funding legislation led to a problem with further implementation of joint State and County facilities such that the County could not identify a site that met the State's requirements. Therefore, the County was not eligible to receive funds.

2.1.5 AB 900 Phase II (AB 111 and AB 94)

On April 4, 2011, the Governor signed the 2011 Realignment Legislation Addressing Public Safety (AB 111, Chapter 16, Statutes of 2011). Subsequently, the Governor signed AB 94 (Chapter 23, Statutes of 2011) on May 9, 2011, with additional provisions for the 2011 Realignment Legislation Addressing Public Safety. Both AB 111 and AB 94 amended the provisions of the second phase of jail construction financing originally outlined in AB 900, with AB 111 specifically authorizing access to Phase II financing. Both of these bills had an effective date of October 1, 2011, concurrently with AB 109 (Chapter 15, Statutes of 2011), providing for a fundamental realignment of responsibilities for lower-level offenders and adult parolees from state to local jurisdictions. This Request for Applications (RFA) is pertinent to Phase II of the AB 900–Jail Construction Financing Program. Up to \$602,881,000 in Phase II jail construction financing authority is conditionally available at this time. For large counties such as Orange County, a maximum funding amount has been established for \$100 million.

On October 18, 2011, the County of Orange submitted an Interest Statement to the Corrections Standards Authority (CSA) indicating interest in receiving \$100 million in jail construction funding. On October 26, 2011, the Corrections Standards Authority invited the County of Orange to submit its RFA. This RFA is intended to solicit applications to establish an ordered list of projects and to allocate financing within the Phase II authority for the addition of beds in county jail facilities. This RFA for county jail construction is being issued for the State of California by the CSA, an entity within the California Department of Corrections and Rehabilitation (CDCR).

To be eligible for Phase II AB 900 funds, counties were required to submit their completed RFA, which includes a Board of Supervisors Resolution, no later than January 11, 2012. Based on the needs of the Orange County Jail System, which takes into account AB 109 state realignment of prisoners to County detention, the age and condition of older County jail facilities such as the Men's and Women's Central Jail, and the quantity, age, and physical condition of "non-rated" jail beds (beds

that do not meet CSA standards) at JAMF, the County submitted an RFA for the maximum allotment of \$100 million on December 28, 2011. This action did not constitute a project approval under CEQA because the Board of Supervisors did not commit to build a particular project, but instead authorized the Orange County Sheriff-Coroner to submit an application for financing a jail expansion to the State of California. In the resolution authorizing the submission of the application, the Board of Supervisors acknowledged that CEQA review would be conducted prior to construction. The State financing process contemplates that a project applicant will begin the CEQA process 90 days after the State grants a conditional award of financing.

Counties were awarded funding based on funding preference and their accepted application by CSA. Funding preference shall be considered by CDCR and CSA for those counties that committed the largest number of inmates to State custody in 2010. The County of Orange had a total of 3,513 admissions to CDCR in 2010. For large counties (populations greater than 700,001) within the State, the County of Orange was ranked fifth in the number of admissions to CDCR in 2010. Out of the five large counties with the highest admissions to CDCR in 2010, two counties have already been funded under Phase I of AB 900 and therefore are not eligible for new funding under Phase II. Orange County, ranking third in funding preference, is well positioned to be awarded funding because CSA established the amount of new funding available for large counties at \$300 million, with the maximum amount of State financing that can be requested by individual large counties per project/application at \$100 million. On March 8, 2012, Orange County received a Conditional Award of \$100 million. The County intends to use the funding award toward the first phase of the JAMF expansion, as described in Chapters 1 and 3. However, the process will not be final until all design and appropriate approvals and CEQA analysis have been completed as noted previously.

2.2 HISTORY OF MUSICK JAIL AND JAILS IN ORANGE COUNTY

The JAMF opened as a correctional facility in June 1963. In spring of 1978, United States (U.S.) District Court Judge William P. Gray ordered the County to improve overcrowded conditions in the Central Men's Jail in Santa Ana. The County subsequently undertook exhaustive studies to either expand the Main Jail and/or existing branch facilities or to identify appropriate sites for new facilities. In 1981, the Board of Supervisors approved a Major Corrections Needs Assessment Study. In 1986, the Board of Supervisors approved the JAMF Master Plan to address long-range correctional needs. In 1983 and 1987, the Major Corrections Needs Assessment Study was updated. For a detailed discussion of the history and background, refer to Section 3 of EIR 564.

The 1986 Master Plan provided for maintaining and constructing inmate facilities to detain an inmate population of 1,535 by 2000 and also provided for extensive County fire and sheriff training facilities, including a sheriff's training academy, a weapons qualification range, a foot pursuit course, a running track, a fire station, a fire training academy/emergency communications center/fire administration building, a central plant, a food services/multiuse facility, on-site parking, and an open space buffer zone. On November 25, 1986, the Board of Supervisors certified FEIR 447 as a program EIR for the JAMF Master Plan, which is incorporated by reference.

The jail bed needs for the County were so great that the future needs would require additional facilities besides JAMF. In 1986 and 1987, the County proposed a near-term site at Katella/Douglass in Anaheim, capacity improvements and program expansion at Theo Lacy in Orange, and a long-term site at one of four remote sites, of which Gypsum Canyon was ultimately chosen. Two of the site

efforts garnered lawsuits against the County. The only site that was viable and was expanded was Theo Lacy after a settlement was reached between the City of Orange and the County. Both the Katella/Douglass and Gypsum Canyon sites were dropped from consideration for a future jail, and the Board of Supervisors once again focused on Musick to meet the long-term jail needs of the County. This was the reason for the larger expansion plans for the JAMF approved in 1996. Shortly after the approval of the 1996 Master Site Plan, an independent effort by the Cities of Irvine and Lake Forest in cooperation with the County to locate the jail on an alternate site was initiated. The effort failed to identify a viable alternative site for a new in-County jail. No viable alternate sites have ever been identified. Also, due to growth in Orange County and changing land uses over the years, the alternative sites originally considered for a jail have been sold by the County and developed with other uses as is the case with Katella/Douglas, which is now Honda Center and the Anaheim Regional Transportation Intermodal Center (ARTIC). Also, Gypsum Canyon, owned by The Irvine Company (TIC), was rezoned by the City of Anaheim with development, which made the property prohibitively expensive for the County to acquire and develop. The Gypsum Canyon property is still owned by TIC.

The Orange County Grand Jury identified the need to expand JAMF in its annual reports for 2006/2007/2008. JAMF is the only jail expansion planned for the County jail system at this time.

2.3 CURRENT JAIL FACILITIES AND CAPACITY

The Orange County jail system is composed of five custodial facilities located at three distinct sites. The Central Jail Complex, located in the City of Santa Ana, consists of the Intake and Release Center, the Central Men's Jail, and the Central Women's Jail. The Theo Lacy facility is located in the City of Orange, and the JAMF is located at the border of the Cities of Irvine and Lake Forest. These three facilities provide a systemwide total of 5,410 beds. Table 2.A shows the total rated capacity at each facility. As shown in the Table 2.A, the total annual average daily population (ADP) exceeds the total rated capacity by 22 percent, and at each facility the annual ADP exceeds 100 percent of the rated capacity.

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Refer to Appendix B, which is a collection of local press coverage and other information regarding the proposed expansion of JAMF.

Table 2.A: Orange County Jail Facilities and Capacity

Facility	Current Population ¹	Rated Capacity ²	Actual Capacity ³	Percentage of Rated Capacity ⁴	Total Available⁵
Central Jail Complex					
Intake and Release Center	926	408	900	227%	-26
Central Men's Jail	1,236	1,219	1,409	101%	173
Central Women's Jail	334	274	348	122%	14
Theo Lacy Facility	3,064	2,480	3,111	124%	47
James A. Musick Facility ⁶	1,218	713	1,282	171%	64
TOTAL	6,778	5,094	7,050	133%	272

Source: OCSD June 2012

Based on average dail population for June 2012 provided by the Orange County Sheriff's

Department.

Rated capacity refers to the number of inmate occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for medical or disciplinary isolation housing (special use beds), are planned and designed in conformity to the standards and requirements contained in Title 24 of the California Code of Regulations – Minimum Standards for Local Detention Facilities.

- ³ Actual capacity is based on Current Population divided by Rated Capacity.
- Percent over capacity is based on Current Population divided by Rated Capacity.
- The negative number of available beds in the IRC is due to newly booked inmates in holding cells awaiting assignment to housing.
- The James A. Musick Facility has 713 rated beds. However, the total capacity at the James A. Musick Facility is 1,282 beds, including the 360 temporary beds in the tents and 209 unrated beds that have been added to the dormitories. FEIR 564 did not take medical beds into consideration which is why the capacity was stated as 1,256.

OCSD = Orange County Sheriff's Department

2.4 FEDERAL DETAINEE PROGRAM

Due to an unprecedented decline in the County jail system inmate population (from approximately 7,000 inmates in 2007 to approximately 5,700 inmates in 2010), a unique opportunity arose whereby Immigration and Customs Enforcement (ICE) entered into an agreement with the County to use some of the County's available jail beds for ICE detainees. The ICE program simply uses available jail capacity and does not increase the capacity of any of the jail facilities. It should be noted that in the event that the County inmate population rises, the number of federal detainees in the jail system can be reduced accordingly to accommodate County inmates. County inmates would have priority because the primary purpose of Orange County jails is to house inmates pursuant to state law and court orders pending court disposition (trial or sentencing) or serving out shorter sentences (usually 1 year or less). The agreement involves Theo Lacy, the Intake and Release Center, and JAMF. Future plans include the use of the Central Women's Jail. The agreement includes the following elements at each facility:

Theo Lacy

No new facilities will be constructed at the Theo Lacy Facility. Certain existing buildings have been remodeled to create office space and to conform to federal standards. It is anticipated that up to 700 ICE detainees would be held at the Theo Lacy Facility under the agreement.

Intake and Release Center

No new facilities will be constructed at the Intake and Release Center (IRC). The IRC is considered an "under 72-hour" temporary housing facility by ICE. The IRC is used to process ICE detainees as they arrive prior to being transferred within 12 hours to be housed at either the Theo Lacy or JAMF facilities. The IRC also provides temporary housing (less than 72 hours) for detainees who arrive with, or who later develop, a medical or mental health condition requiring immediate attention that exceeds the level of care provided at the Theo Lacy or JAMF facilities.

JAMF

New modular structures have been installed to accommodate courtrooms, office space for ICE staff, and facilities to accept transferred detainees. In addition, minor interior improvements will be made to the existing barracks buildings to conform to federal standards. It is anticipated that up to 720 ICE detainees would be held at JAMF under the proposed agreement.

Central and Women's Jail

No new facilities will be constructed at the Central Women's Jail. It is anticipated that up to 700 ICE detainees, depending on availability, would be held at the Central Women's Jail, which is subject to approval by and agreement with ICE.

2.5 PROJECT NEED

In March 2008, the County revisited its jail needs in the Jail Needs Assessment, Preliminary Findings and Recommendations (DMJM H+N|AECOM/Carter Goble Lee). Subsequent to the Needs Assessment, an internal audit of all of the Sheriff's jail facilities (Orange County Jail Assessment Project, Crout & Sida, November 18, 2008) was presented to the Board of Supervisors on November 25, 2008. The Jail Assessment also affirmed the need for a new jail at the JAMF. The findings of these two reports are summarized/excerpted below. In addition, the annual findings on Orange County Jails of the Orange County Grand Jury are included in this section.

While it is acknowledged that current (2012) conditions throughout California show a decline in inmate populations, decreases in inmate populations are not unprecedented and have normally been followed by inmate population growth. While the variables affecting inmate populations are not well known, history has shown that these decreases have been only temporary trends. Therefore, it is expected that as the population growth increases in both number and rate, the inmate population will follow the same trend. Moreover, based on the influx of inmates due to the AB 109 realignment, as discussed below in Section 2.5.4, the County anticipates that its jail system will reach capacity by October 2012.

2.5.1 Inmate Population Projections

County Population Growth. Orange County has been experiencing a period of significant growth, increasing in population by 13.5 percent over the 10-year period from 1996 to 2006 according to the U.S. Census Bureau. Historically, the jail system also experienced a growth in population, complicating an already-overcrowded condition. In a similar 10-year period (1997–2007), the jail population grew 24.1 percent. In 2006, the County population surpassed the 3 million mark, with

estimates by the California Department of Finance indicating that the population will exceed 3.5 million by 2020. In addition, according to the 2012 Orange County Community Indicators Report, ¹ Orange County's population was 3,043,964 as of July 2011, making it the third most populous county in the State behind Los Angeles and San Diego, while it ranks the 49th in land area of the State's 58 counties. ²

Other Inmate Growth Factors. As previously discussed, programs such as State Realignment, laws changing sentencing requirements, and changes made by the State to inmate classification have in the past, and have the potential still, to increase the jail population in a very short period of time.

2.5.2 Jail Assessment

On June 10, 2008, the Orange County Board of Supervisors appointed Sheriff Sandra Hutchens to lead the Orange County Sheriff's Department after the resignation of former Sheriff Michael Carona. Upon her appointment, Sheriff Hutchens made an inquiry to hire an expert consultant to develop and complete a comprehensive assessment of the Orange County jails. An outside consultant was selected by the Sheriff's Department and the County Board of Supervisors to conduct a study of the five separate jail facilities operated by the Sheriff's Department, along with an assessment of the court holding facilities and jail programs.

Findings related to the JAMF included noted security risks from public access and that the current design lends itself to requiring more custody staff. Construction of replacement facilities and expansion was recommended. Quoting from the report, it states the following about the construction of more secure inmate housing:

"The bucolic atmosphere of the JAMF lends itself to a very relaxed atmosphere. While the staff does a good job of maintaining security, the design and operational protocols currently in place lend themselves to major security and safety problems in the event of a widespread inmate disturbance. Low staffing, along with the soft nature of inmate housing areas, should serve as a red flag. The [audit] team concludes that some changes in operation can elongate the use of the facility in its current configuration, plans to replace or supplement much of the current inmate housing should continue unimpeded and should be considered a spending priority."

Other trends affecting the jail population across the State were included in the report. Many or all of these trends also affect the County's jails:

- Jail beds needed during periods of peak jail population exceed the current rated capacity.
- The number of unsentenced (pretrial) inmates in jails has increased dramatically over the last decade.
- The ratio of felony versus misdemeanor offenders in jails has shifted statewide. Felons in the jail system have gone up, while the number of misdemeanants has gone down.

http://egov.ocgov.com/vgnfiles/ocgov/CEO/Docs/OCCIR_2012.pdf, accessed June 21, 2012.

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http://www.csac.counties.org/default.asp?id=398, accessed June 21, 2012.

• Maximum and medium security inmates have been trending upward, and the percentage of minimum-security inmates have been trending downward.

• Jails have become California's de facto mental hospitals. Mentally ill people in jails create burdens in terms of both jail costs and their ability to house people safely and securely, let alone provide them appropriate treatment interventions.

2.5.3 Grand Jury Reports (2002/2003 through 2010/2011)

Sections 919(a) and 919(b) of the California Penal Code state that the "Grand Jury shall inquire into the conditions and management of ..." jails in Orange County. The Grand Jury reviews whether the inmates are housed safely, including segregation at adult facilities by reason of sexual predator tendencies, witness protection, violent behavior, and gang affiliation. The inspections, along with written reports, follow guidelines provided by the CSA, a State regulatory agency that establishes and promulgates standards for the construction, operation, and administration of local detention facilities. Each year, the Grand Jury examines the state of facilities where adults and juveniles are incarcerated. The purpose of the reports is to document what the impaneled Grand Jury found as it carried out the mandates of the California Penal Code.

The 2007/2008 Grand Jury report focused on operations at the jails and enhancements to inmate safety. It was the first year that overcrowding was not raised as one of the primary issues facing the County jail system. However, in the previous 5 years, jail overcrowding had been noted in the Grand Jury findings. The reduced inmate population trend continued and was noted in the 2008/2009 Report, although the findings still recommended expansion of JAMF to avoid early releases due to capacity issues in the future. The 2009/2010 and 2010/2011 reports had a broader focus on all detention facilities (juvenile and adult) in the County and noted that no overcrowding was observed at any of the facilities affirming the then-current decline in bookings, which was believed to be temporary.

Below are the findings/recommendations in the previous grand jury reports regarding jail capacity.

LSA ASSOCIATES, INC. AUGUST 2012 SUPPLEMENT TO EIR 564 MUSICK JAIL EXPANSION

Date	Grand Jury Findings/Recommendations ¹		
2009/2010 and 2010/2011	Countywide Detentions Facilities: The 2009/2010 and 2010/2011 reports covered all County detention facilities (juvenile and adult) and noted that no overcrowding was observed at any of the facilities, affirming the then-current decline in bookings.		
2008/2009	Condition of Orange County Jails: While this report looked at the overall jail system and noted that capacity issues were down for the first time in some years, findings still indicate the necessity of the expansion of James A. Musick Facility (JAMF) to avoid early releases in the future.		
2006/2007	Relief from Inmate Overcrowding: The Orange County Sheriff's Department (OCSD) and Orange County (OC) Board of Supervisors should consider expediting contract approval for the expansion of the JAMF and selecting construction companies who can quickly build out the JAMF.		
2005/2006	Additional Planning for County-operated Jails: The Board of Supervisors and the OCSD should work together to develop quantified plans, in addition to those for JAMF expansion, to handle projected inmate populations during the next 5 years.		
2004/2005	Overcrowded Jails: Orange County's adult jails remain overcrowded by standards used by the State Board of Corrections.		
2003/2004	Overcrowding: The Orange County Sheriff-Coroner continues to diligently pursue compliance with state standards and to address the projected growth of the inmate population by planning for the addition of jail beds.		
2002/2003	Overcrowding:		
	1. The county jails have been overcrowded for the past 2 decades.		

- 1. The county jails have been overcrowded for the past 2 decades.
- 2. The current rated capacity of the County jail system is 4,133 beds.
- 3. The jails operated at 121 percent over rated capacity in 2002.
- 4. The OCSD uses several options to reduce inmate population.
- 5. Approximately 8,500 inmates were released early in 2002.
- 6. The Theo Lacy facility will be completely built out during 2005.
- 7. The only current jail site that is available for expansion is the JAMF.
- 8. The OCSD predicts a need for 8,050 total beds by 2010.

Based on the Grand Jury reports, addressing overcrowding in the jail system and future jail capacity has been a priority for the past several years.

2.5.4 **AB 109 Criminal Justice Alignment Impact of State Prison Inmate Reduction**

In May 2011, the U.S. Supreme Court upheld a federal court order for the State of California to reduce its prison overcrowding. The Governor recently responded to the court order with plans to shift certain qualifying state prisoners to county and city facilities. According to the CDCR, AB 109 State Realignment will result in approximately 143 newly sentenced felons per month serving their

Source: Orange County Grand Jury Reports, http://www.ocgrandjury.org/reports.asp

sentences in the Orange County jail rather than state prison. Additionally, offenders who violate the terms of their parole or community supervised release (probation) will also serve their sentences in the Orange County jail. State Realignment began on October 1, 2011. As of March 2012, the County acquired over 600 new custody and detention hold requirements that would have previously been directed to state prisons. This represents a significant increase compared to average daily population figures prior to the start of this new program. Extrapolating an average based on the initial forecasts and actual first month custody and detention requirements, the County of Orange jail system will reach capacity by October 2012.

2.5.5 Building Life Cycles

JAMF and all County jails are a 24-hour-a-day operation. There are facilities at JAMF that are quite old and cannot be fixed due to the age and the level of deterioration from the wear that they have sustained over the years with such constant and intensive operations. Table 2.B below shows examples of the age of some of the structures that will most likely need wholesale replacement in the near future. In addition, other structures at JAMF have been replaced over the years with modular facilities to ensure ongoing operations. For example, the west kitchen and dining hall were replaced with a new modular facility in 2000. However, modular facilities are not designed for long-term use and were selected in anticipation of being replaced with the construction of new permanent facilities at JAMF. In fact, much of the repair work at JAMF has been implemented with only short-term solutions in mind due to the pending new facilities being anticipated. This has been done to minimize the throw-away costs when the new facilities were constructed.

Table 2.B: JAMF Building Ages

JAMF Facility	Year Built	Current Age (Years)
Administration Building	1986	26
(converted wooden structures)		
North compound (sprung	1985	27
structures)		
South Compound	1982	30
East Compound	1963	49
West Compound (Converted	1986	26
wooden structures)		

Source: Orange County Sheriff's Department (2012).

JAMF = James A. Musick Facility

The same building life cycle issues are also true for the Men's and Women's Central Jail Complex. When repair or replacement work is performed there, other facilities such as Theo Lacy or JAMF will need to have the capacity to hold those inmates until construction/rehabilitation is completed.

2.6 PREVIOUS COORDINATION EFFORTS OF THE COUNTY

As discussed earlier in this section, the County has been planning on the expansion of the JAMF since the 1980s. In the course of the jail planning efforts, the County has engaged the local cities,

specifically the Cities of Irvine and Lake Forest, to discuss operation and design issues (refer to Appendix B). Even after the litigation ended in 2000, the County has continued ongoing discussions and negotiations with the Cities. These coordination efforts took place on a fairly regular basis and will influence the design and operation of the JAMF. A draft Coordination Agreement between the Cities and the County on the build out of the JAMF was in negotiation. This draft agreement was intended to provide a safe and secure jail facility, while taking into account the concerns of the communities and eliminating legal challenges and contentions for the early phases of construction and operation at the JAMF while still addressing the needs of the County jail system now and in the future. As noted earlier, the City of Irvine has brought suit against the County regarding the CEQA compliance for the AB900 Phase II funding application, which undermined the purpose of the draft Cooperative Agreement. Therefore, the Cooperative Agreement is no longer an option for the County.

However, the City of Lake Forest has not sued the County since the litigation on Final EIR 564 and the County continues to coordinate with the City of Lake Forest on JAMF. Pursuant to those coordination efforts, the project mitigations delineated below have been added to the project at the request of the City of Lake Forest. It should be noted that although they are called mitigation measures and appear in the mitigation monitoring program in Chapter 6.0, they do not correspond to an identified significant impact, but instead are included as mitigation measures pursuant only to the Orange County Sheriff-Coroner Department's cooperative efforts with the City of Lake Forest.

LF-1. As funding becomes available and as the need for new jail beds arise, the County will proceed with the proposed Phase 1 expansion plans and beyond those plans until the total inmate population is 3,100 including all county, state, and federal inmates/detainees (in non-emergency situations) at JAMF. The County shall not increase the inmate population to exceed 3,100 unless required to do so by: (1) an affirmative demonstration by the Sheriff of a need for additional jail capacity at JAMF as defined below; or (2) express mandate of the State of California; or (3) express mandate of the federal government.

The Sheriff's affirmative demonstration of the need for additional jail capacity must be based on a study utilizing then considered best practice methodology and research techniques for such purposes. At minimum, the study must utilize quantifiable data based on multiple variables possibly including, but not necessarily limited to, current and historical inmate population and profile, recidivism rate, crime and arrest trends, inventory and analysis of current detention facilities, and other relevant metrics. The County will seek input from the City of Lake Forest during preparation of the study, and will provide the office of the Lake Forest City Manager a draft of the study for review (1) at least 30 days prior to any public release of the study, and/or (2) at least 30 days prior to any County determination based on the study.

If the study adequately demonstrates project need and the Sheriff elects to pursue jail expansion that exceeds an inmate population of 3,100, the Board of Supervisors must first approve all appropriate environmental review documentation. Further, any proposed expansion beyond the proposed build-out of 3,100 beds will also require review under CEQA and preparation of such further environmental documentation as may be required, and an approved project budget by the Board of Supervisors. The County agrees to notify the office of the City Manager of Lake Forest at least 60 days prior to taking environmental review documentation to the Board for building new jail beds at Musick.

The Sheriff agrees that it is in the best interest of both agencies to meet regularly for the purpose of sharing information and to inform City staff of project status and key developments. Staff from the County and the City of Lake Forest will meet annually in January to develop a meeting schedule for the upcoming year. The City of Lake Forest reserves the ability to initiate more frequent contact as needed.

LF-2. Except during unusual circumstances (such as civil unrest, natural disaster, terrorist event, jail riots, jail facility failures, or other events of similar magnitude) the Sheriff will not house Level 3-High Security or Level 4-Administrative Segregation Inmates at the Musick Facility. Level 3 and Level 4 inmates can be described as having the greatest risk of escape, the greatest potential for inmate on inmate violence, the greatest potential for inmate on staff violence, and/or the greatest potential to injure themselves. Any inmates that are booked into or transported to Musick and later determined to be Level 3-High Security or Level 4-Administrative Segregation will be relocated to a different jail facility as soon as practical, but not later than one week following the determination. If arraignments are being conducted at Musick, Level 3 and Level 4 inmates will be transferred to other facilities not later than one week after they are arraigned.

Additionally, the goal of the Sheriff is to avoid housing any Protective Custody inmates at Musick. Protective Custody inmates can be described as inmates who might be a target for violence from other inmates and need to be separated for their own safety. However, in the event that the Sheriff determines circumstances demand housing Protective Custody inmates at Musick, the Sheriff will:

- Notify the office of the City Manager of Lake Forest in advance or as soon as practicable following the determination to house a Protective Custody inmate at Musick, and
- House only those Protective Custody inmates at Musick who would otherwise be classified as Level 1-Minimum Security and Level 2-Medium Security inmates, if not for the need to separate the inmate for his or her own safety.

If the Sheriff determines there is a need to change any aspect of the inmate classification policies for housing at the Musick facility as described above, the Sheriff shall solicit input from the office of the City Manager of Lake Forest.